

# **EXHIBIT A**

To: 15102675739 From: 13232073885 Date: 01/19/17 Time: 9:20 AM Page: 07/12

A TRUE COPY ATTEST  
DAVID D. AYLES, PROCESS SERVER  
AND DISINTERESTED PERSON**SUMMONS**  
**(CITACION JUDICIAL)****NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):****CREDIT COLLECTION SERVICES, and DOES 1 through 10,**  
inclusive,**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):****EARL WASHINGTON, JR.,**FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**FILED BY FAX**

ALAMEDA COUNTY

January 19, 2017

CLERK OF  
THE SUPERIOR COURT

By Burt Moskaira, Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, le corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos externos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desecher el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of Alameda County

2233 Shoreline Drive  
Alameda CA 94501CASE NUMBER:  
(Número del caso)RG16817232  
RG16817232

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

L. Paul Mankin, Esq., 4655 Cass St., Ste. 112, San Diego, Ca 92111

DATE: January 19, 2017  
(Fecha)Clerk, by  
(Secretario)Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.80 (authorized person)
- ☐ other (specify):
4. ☐ by personal delivery on (date):

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**FILED BY FAX**  
ALAMEDA COUNTY

January 19, 2017

CLERK OF  
THE SUPERIOR COURT  
By Burt Moskaira, Deputy

CASE NUMBER:  
**RG16817232**

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA  
LIMITED JURISDICTION**

Case No. RG16817232

EARL WASHINGTON, JR.,	)	<b>FIRST AMENDED COMPLAINT FOR</b>
Plaintiff,	)	<b>VIOLATION</b>
	)	<b>OF ROSENTHAL FAIR DEBT</b>
	)	<b>COLLECTION PRACTICES ACT AND</b>
	)	<b>FEDERAL FAIR DEBT COLLECTION</b>
vs.	)	<b>PRACTICES ACT</b>
	)	
CREDIT COLLECTION SERVICES, and	)	<b>(Amount not to exceed \$10,000)</b>
DOES 1 through 10, inclusive,	)	
Defendant.	)	1. Violation of Rosenthal Fair Debt
	)	Collection Practices Act
	)	2. Violation of Fair Debt Collection
	)	Practices Act

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, *et seq.* (hereinafter "RFDCPA") and the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

## II. PARTIES

2. Plaintiff, Earl Washington, Jr. ("Plaintiff"), is a natural person and is a "consumer" as defined by the FDCPA, 15 U.S.C. §1692a(3) and is a "debtor" as defined by Cal. Civ. Code §1788.2(h). Plaintiff at all relevant times with respect to this complaint was a resident of Alameda County California.

3. At all relevant times herein, Defendant, Credit Collection Services ("Defendant") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692(a)(5), and a "consumer debt," as defined by Cal. Civ. Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692(a)(6), and RFDCPA, Cal. Civ. Code §1788.2(c).

4. Plaintiff does not know the true names and capacities, whether corporate, partnership, associate, individual or otherwise, of Defendants sued herein as Does 1 through 10, inclusive, and therefore names said Defendants under provisions of Section 474 of the California Code of Civil Procedure.

5. Plaintiff is informed and believes, and on that basis alleges that Defendants Does 1 through 10 are in some manner responsible for acts, occurrences and transactions set forth herein and are legally liable to Plaintiff.

## III. FACTUAL ALLEGATIONS

6. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted by Plaintiff on his telephone number ending in -1901 regarding an alleged debt owed. Defendant placed many of its collection calls from (603) 957-4026.

1           7.       Within one year prior to the filing of this action, specifically on or around March  
2 of 2016, Defendant caused Plaintiff's telephone to ring repeatedly and continuously to annoy  
3 Plaintiff. Defendant communicated with Plaintiff with such frequency as to be unreasonable  
4 under the circumstances and to constitute harassment. The frequency and pattern of  
5 Defendant's telephone calls to Plaintiff evidences Defendant's intent to harass Plaintiff.  
6

7           8.       As an illustrative example (and not one of limitation), Defendant contacted or  
8 attempted to contact Plaintiff at the following dates and times: March 28, 2016 at 10:26 a.m.  
9 and 10:27 a.m. Each call was approximately one (1) minute apart.  
10

11           9.       Upon information and belief, Plaintiff does not owe the alleged debt Defendant  
12 is seeking to collect. Plaintiff is not legally associated in any manner with the alleged debt  
13 owed.  
14

15           10.      Plaintiff has informed Defendant that it is not Plaintiff's debt. Defendant is  
16 attempting to collect an alleged debt which Plaintiff does not owe.  
17

18           11.      Plaintiff demanded Defendant cease contacting him. Plaintiff's demand  
19 notwithstanding, Defendant continued to contact or attempt to contact Plaintiff regarding the  
20 alleged debt owed.  
21

22           12.      The natural and probable consequences of Defendant's conduct in contacting  
23 Plaintiff were to harass, oppress or abuse Plaintiff in connection with the collection of the  
24 alleged debt.  
25

26           13.      Defendant's conduct violated the FDCPA and the RFDCPA in multiple ways,  
27 including but not limited to:  
28

- a) Engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff (§1692(d));



- b) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number (§1692d(5));
- c) By attempting to collect an amount not legally owed (§1692e(2));
- d) Communicating, by telephone or in person, with Plaintiff with such frequency as to be unreasonable and to constitute a harassment to Plaintiff under the circumstances (Cal Civ Code §1788.11(e)); and
- e) Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal Civ. Code §1788.11(d)).

14. As a result of the above violations of the FDCPA and RFDCPA, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

**COUNT I: VIOLATION OF ROSENTHAL  
FAIR DEBT COLLECTION PRACTICES ACT**

15. Plaintiff reincorporates by reference all of the preceding paragraphs.

16. To the extent that Defendant's actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney's fees; and
- D. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT**

17. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant  
for the following:

- A. Actual damages;
- B. Statutory damages;
- C. Costs and reasonable attorney's fees; and,
- D. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Respectfully submitted this January 19, 2017

By:



Paul Mankin, Esq.  
Attorney for Plaintiff